

SPURLY BROWN,

Petitioner,

VS.

NO. 4:07-CV-241-A

NATHANIEL QUARTERMAN,
DIRECTOR, TEXAS DEPARTMENT
OF CRIMINAL JUSTICE,
CORRECTIONAL INSTITUTIONS
DIVISION,

Respondent.

O R D E R

Came on for consideration the above-captioned action wherein Spurly Brown ("Brown") is petitioner and Nathaniel Quarterman, Director, T.D.C.J., Correctional Institutions Division, is respondent. This is a petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. On April 24, 2007, the United States Magistrate Judge issued his proposed findings, conclusions, and recommendation that the petition be dismissed without prejudice to Brown's right to file a motion for leave to file a successive petition with the Fifth Circuit Court of Appeals. The magistrate judge ordered that the parties file objections, if any, to his proposed findings, conclusions, and recommendation by May 15, 2007. On May 3, 2007, Brown filed his purported objections. Respondent has not made any further response.

In accordance with 28 U.S.C. § 636(b)(1) and Rule 72 of the Federal Rules of Civil Procedure, the court makes a de novo

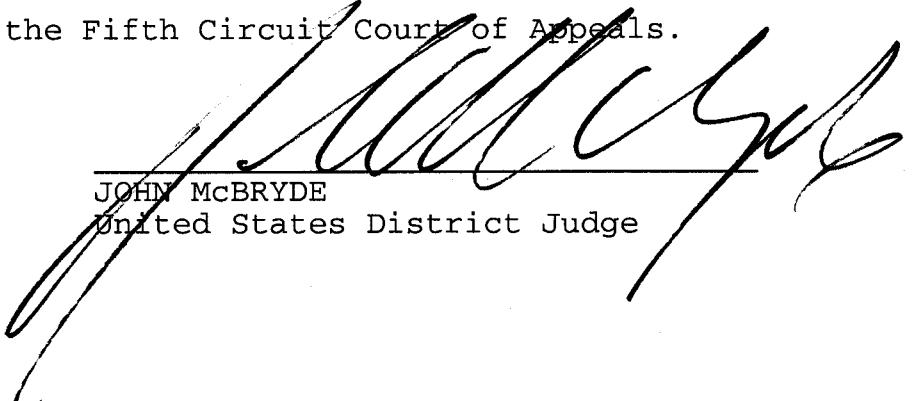
determination of those portions of the proposed findings or recommendations to which specific objection is made. United States v. Raddatz, 447 U.S. 667 (1980). The court is not addressing any nonspecific objections or any frivolous or conclusory objections. Battle v. United States Parole Comm'n, 834 F.2d 419, 421 (5th Cir. 1987).

Brown's only alleged objection is that he does not have copies of various documents filed in his previous habeas action. He makes no specific objection to the magistrate judge's finding that his petition should be dismissed as successive.

Therefore,

The court accepts the findings, conclusions and recommendation of the magistrate judge and ORDERS that the petition in this action be, and is hereby, dismissed without prejudice to Brown's right to file a motion for leave to file a successive petition with the Fifth Circuit Court of Appeals.

SIGNED May 15, 2007.


JOHN MCBRYDE
United States District Judge